

FINAL STATEMENT OF REASONS
DEPARTMENT OF FOOD AND AGRICULTURE
SUBMISSION OF REGULATIONS PERTAINING TO
Section 4500, Noxious Weed Species
Title 3, California Code of Regulations

Update of Initial Statement of Reasons/Policy Statement Overview

The initial statement of reasons/policy statement overview is still valid.

However, on page 6 of the Initial Statement of Reasons under the paragraph devoted to *Malvella leprosa*, the reference to "poverty weed" should be replaced with "alakli mallow."

Summary of and Response to Objections or Comments Regarding the Regulations

No public hearing was held or requested. The summary of and response to each objection or comment received during the written comment period are as follows:

Comment

The California Native Plant Society supports the Department's proposed action to remove eight listed California native plants from the State list of noxious weeds.

Response

The Department appreciates the support.

Comment

On page 2 of the Initial Statement of Reasons a reference pertaining to the future amendment to the Nursery stock Standards of Cleanliness is made that will clarify that noxious weeds are plant pests and do not meet the nursery standards of cleanliness. We suggest that consideration of adding appropriate non-native species to the noxious weed list be undertaken prior to those regulations being drafted.

Response

While this comment is outside the scope of this rulemaking, the Department concurs with this response.

Comment

There is an error on page 6 of the Initial Statement of Reasons; if you look at the paragraph devoted to *Malvella leprosa* you will see a reference to poverty weed. The word "poverty weed" should probably be replaced with "alakli mallow." Also please note that under "*Iva axillaris* (povertyweed)" the term is spelled in two different ways: povertyweed and poverty weed.

Response

The Department concurs with this response. The correct spelling is "poverty weed."

Comment

On page 6 of the Initial Statement of Reasons, poverty weed is discussed as being removed from the noxious weed list; however, it is still included in the amended version of Section 4500 that we reviewed. It should be removed.

Response

The Department concurs with this response and has corrected the typographical error in the text of the regulation.

All comments submitted and contained in this rulemaking and which have not been previously summarized and responded to, are outside the scope of this rulemaking.

Mandate on Local Agencies and School Districts

The Department of Food and Agriculture has determined that Section 4500 does not impose a mandate on local agencies or school districts. The Department also has determined that the proposed action will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with

Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

The cost impact of the changes in the regulations on a representative private person or business is not expected to be significantly adverse. The Department has also determined that this action will not have a significant adverse economic impact on housing costs or California businesses, including the ability of California businesses to compete with businesses in other states.

Assessment

The Department has made an assessment that this amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Alternatives Considered

The Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.